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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff

vs.

**[1] JEFFREY TURINO,
[2] JOHN EDWARDS,
[5] MELISSA SPOONER,
[8] BRIAN DVORAK,
[9] GINGER GUTIERREZ, and
[10] JAMES KINNEY,**

Defendants

Case No. 2:09-CR-132-JAD-GWF

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL**

(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys, that the calendar call currently scheduled for December 31, 2014 at 9:00 a.m., be vacated and continued to September 8, 2015, at 1:30 p.m. and the Jury Trial currently scheduled for January 6, 2015, be vacated and continued until September 15, 2015. This stipulation is entered into for the following reasons:

1. The Court has designated this case as complex. (Docket No. 57.) The defendants need additional time to prepare for trial in this case, including conducting legal research and factual investigation to determine the best respective defenses.

1 2. Defendant John Edwards, who fought extradition from the United Kingdom,
2 made his initial appearance in this district who has not yet made his initial appearance in this
3 District on August 8, 2014. The Court ordered a competency evaluation for Defendant Edwards
4 on October 10, 2014. His counsel estimates that the process will take four months. His counsel
5 needs the additional time to address his competency issues, review discovery and prepare for
6 trial if necessary.

7 3. The voluminous of the case materials, as well as the complex nature of the case,
8 require additional time for the defendants and counsel for the Government to review the
9 materials, conduct legal research and prepare for trial.

10 4. The parties have discussed severance as a case management tool. Defendant
11 Edward's competency is a significant factor in this analysis. The Government requests additional
12 time to allow Defendant Edwards competency to be determined so that it might explore
13 severance further with defense counsel.

14 5. The additional time requested herein is not sought merely for purposes of delay.

15 6. The defendants do not object to the continuance. Defendant Turino, who is in
16 custody, consents to the continuance.

17 7. This is the seventh Stipulation to Continue the trial date.

18 8. The additional time requested by this stipulation is excludable in computing the
19 time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
20 §§ 3161(h)(6) and (7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i),
21 (ii) and (iv).

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1 WHEREFORE, the parties stipulate and request that the setting for calendar call and trial
2 in this case should be vacated, and continued until September 8, 2015 at 1:30 p.m. and
3 September 15, 2015 at 9:00 a.m., respectively.

4 RESPECTFULLY SUBMITTED this ____ day of _____ 2014.

5 Daniel Bogden
6 United States Attorney

7 */s/ Kathryn Newman*

8 _____
Kathryn Newman
Andrew W. Duncan
9 Assistant United States Attorneys

/s/

_____ John Wesley Hall, Jr.
Counsel for Brian Dvorak

10 */s/*

11 */s/*

12 _____
Jess R. Marchese
Counsel for Jeff Turino

_____ Chris T. Rasmussen
Counsel for Ginger Gutierrez

13 */s/*

14 _____
Bart Stapert
Mace J. Yampolsky
15 Counsel for Melissa Spooner

16 */s/* _____
Todd M. Leventhal
Counsel for James Kinney

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Richard Wright
Counsel for John Edwards
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:09-CR-132-JAD-GWF

Plaintiff

vs.

**[1] JEFFREY TURINO,
[2] JOHN EDWARDS,
[5] MELISSA SPOONER,
[8] BRIAN DVORAK,
[9] GINGER GUTIERREZ, and
[10] JAMES KINNEY,**

Defendants

ORDER

THIS MATTER COMES BEFORE THE COURT on the parties' sixth Stipulation to Vacate and Continue Trial Setting in this case.

FINDINGS

Based on the stipulation of the parties, and good cause appearing therefore, the Court hereby finds that:

1. The Court has designated this case as complex. (Docket No. 57.) The defendants need additional time to prepare for trial in this case, including conducting legal research and factual investigation to determine the best respective defenses.

CONCLUSIONS OF LAW

For all of the above-stated reasons, the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties sufficient time to prepare for trial, taking into account the exercise of due diligence and the complex nature of the case and voluminous discovery.

The continuance requested by the parties is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(6) and (7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i), (ii) and (iv).

IT IS THEREFORE ORDERED that the calendar call setting on December 31, 2014 at 9:00 a.m. is vacated and reset for September 8, 2015 at the hour of 1:30 p.m. and the trial setting of January 6, 2015, is vacated and continued to September 15, 2015.

SO ORDERED this _____ day of November 2014.

UNITED STATES DISTRICT JUDGE